

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:14-cr-00153

BOBBY RAY EVANS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 4, 2019, the United States of America appeared by Kristin Scott, Assistant United States Attorney, and the defendant, Bobby Ray Evans, appeared in person and by his counsel, Tim Carrico, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Patrick Fidler. The defendant commenced a twenty-two month term of supervised release in this action on October 5, 2018, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on March 13, 2018.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) on February 25, 2019, the defendant unlawfully operated a vehicle without a valid driver's license, his license having been revoked for aggravated driving under the influence, and unlawfully possessed a 0.5 gram "roach" of marijuana and 28 .38 caliber unspent ammunition rounds and 1 .357 magnum unspent round, all of which, the defendant agrees, the government has sufficient evidence to prove by a preponderance of the evidence; (2) the defendant tested positive for marijuana on October 10, 2018, and admitted to having used the substance approximately five days prior, and on January 8, 2019 admitted to using marijuana the previous day and methamphetamine two days prior, and further indicated that he had used methamphetamine approximately two times over the prior three months and smoked two or three "blunts" of marijuana a day, and on January 29, 2019, tested positive for marijuana and methamphetamine; and (3) the defendant did not timely notify the probation officer of his arrest on February 25, 2019; all as admitted by the defendant as to (2) and (3) above on the record of the hearing and all as set forth in the petition on supervised release.

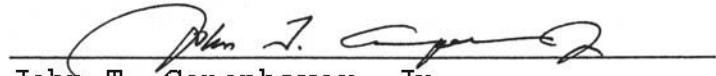
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS, to be served as close to Charleston as feasible, preferably at Ashland, with no term of supervised release to follow.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 5, 2019



John T. Copenhaver, Jr.
Senior United States District Judge